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U.S. Citizenship
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FILE: 
MSC 02 250 65169

Office: DALLAS

Date:

SEP 19 2007

IN RE: Applicant: 

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Dallas, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The district director denied the application because the applicant failed to appear for two scheduled interviews.

On appeal, the applicant asserts that he simply forgot about his appointments due his busy work schedule. The applicant requests that he be given another opportunity to be interviewed.

The regulation at 8 C.F.R. § 245a.19(a) requires that an applicant failing to appear for the scheduled interview may, for good cause, be afforded another interview. Where an applicant fails to appear for two scheduled interviews, his or her application shall be denied for lack of prosecution.

The record reflects that on January 24, 2003, the director sent a Form G-56 notice to the applicant at his address of record, which informed the applicant of his scheduled interview on March 17, 2003. The applicant, however, failed to appear. On November 10, 2003, the director sent another Form G-56 notice to the applicant at his address of record, which informed the applicant of his scheduled interview on December 2, 2003. Once again, the applicant failed to appear.

On April 18, 2004, the applicant was advised in writing of the director's intent to deny the application. In her notice, the director informed the applicant of his failure to appear for his scheduled interviews. The applicant, however, did not respond to this notice.

As previously discussed, the applicant was provided the opportunity to appear on two occasions for his interview. The applicant failed to appear and, therefore, has not met the regulatory requirement set forth in 8 C.F.R. § 245a.19(a). Accordingly, the applicant is ineligible for adjustment to permanent resident status under section 1104 of the LIFE Act

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.